IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 323 of 2006

KANSHI RAM
V/S
MEHAR CHAND & ANR.

Mr. SL JAIN, for the appellant / petitioner

Mr. VINAY JAIN, for the respondent

Date of Order : 13.8.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

Perused the impugned order. The learned trial court has already observed that it will be open to the petitioner to lead evidence on the plea sought to be raised. Obviously, without any pleading being taken in that behalf. In my view, in view of the above, the impugned order does not require any interference.

The writ petition is, therefore, dismissed summarily. It is clarified that if the petitioner proves the fact, the learned trial court shall take the same into consideration, appropriately.

(N P GUPTA),J.

/sushil/